

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10788
Conference Calendar

JOHN M. JONES,

Plaintiff-Appellant,

versus

TEXAS DEPARTMENT OF CRIMINAL JUSTICE;
CLEMENTS INFIRMARY,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:95-CV-335
- - - - -

June 17, 1997

Before SMITH, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:*

The motion filed by John M. Jones, Texas prisoner # 663342, to proceed in forma pauperis (IFP) on appeal is GRANTED. Because Jones has had nothing in his prison trust-fund account for the relevant six-month period, no initial partial filing fee is assessed. Jones shall make monthly payments of twenty percent of the preceding month's income credited to his account until the

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

full filing fee is paid. See 28 U.S.C. § 1915(b)(2). The agency having custody of Jones is directed to forward payments from his prisoner account to the clerk of the district court each time the amount in his account exceeds \$10 until the filing fee of \$105 is paid. See id.

Regarding Jones's challenge to the district court's dismissal of his 42 U.S.C. § 1983 suit as frivolous, we have reviewed Jones's brief and the record, and find that the district court did not abuse its discretion in dismissing Jones's claims of denial of due process and deliberate indifference to his serious medical needs. 28 U.S.C. § 1915(e)(2)(B)(i); Eason v. Thaler, 14 F.3d 8, 9 (5th Cir. 1994).

Jones's appeal is without arguable merit and is DISMISSED as frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). We caution Jones that future frivolous civil suits and appeals filed by him or on his behalf will invite the imposition of sanctions. Jones is cautioned further to review any pending suits and appeals to ensure that they do not raise arguments that are frivolous.

IFP GRANTED; APPEAL DISMISSED; SANCTIONS WARNING ISSUED.
5th Cir. R. 42.2.